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January 5, 2024

VIA ECF ONLY

HON. LORNA G. SCHOFIELD
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Timothy Rodgers v. Mercy College, et. al.
Docket No.: 23-CV-07278(LGS)

Dear Judge Schofield,

As the record reflects, we are the attorneys for the Plaintiff in the above-referenced matter. We respectfully submit this correspondence in accordance with Your Honor's Order to update this Court regarding Plaintiff's efforts to locate and serve Defendant Southard. Although we diligently continue in our attempts to execute service upon Defendant Southard, unfortunately, we have not yet been successful.

On December 15, 2023 our private investigator informed our office that they have a lead on Ms. Southard's possible whereabouts, in that she may be in Vermont staying with her relatives. We then supplied our investigator with the executed Summons to serve upon Defendant Southard. The investigative staff made contact with Defendant Southard via telephone on December 29, 2023. However, when Dr. Southard learned that the caller was attempting to locate her in order to effect service of a summons, she told the investigator to mail the summons to her address and abruptly hung up the telephone.

On January 2, 2024 at 11:40 A.M., a process server subcontracted by our investigator arrived at the home of Karen and Chris Nevin, located at 20 Carrigan Rd., Moretown, VT, in an attempt to locate Defendant Southard. Ms. Nevin informed the process server that she would accept the Summons and deliver the Summons to Defendant Southard. The process server handed the Summons to Ms. Nevin. Ms. Nevin also gave Defendant Southard's most recent address as 6 Roy in New York. Our office received the notarized 'Proof of Service' document reflecting the

transaction between Ms. Nevin and the process server at 5:50 P.M., January 2, 2024.

We also received information that Defendant Southard may be residing with Mark and Karen Southard, located at 17 Salem Rd., Prospect CT. As of this writing, this information has been forwarded to a private investigator in Prospect CT., in order to ascertain the whereabouts of, and execute service upon, Defendant Southard. As a result of Plaintiff's efforts to this point, we respectfully request this Court grant Plaintiff the ability to execute a substituted service of process upon Defendant Southard by leaving the summons with a responsible adult known to Defendant Southard in order to continue advancing this proceeding.

We thank the Court for its kind consideration in this matter.

Respectfully,

Albert D. Manuel

Albert D. Manuel III

ADM:dm